

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DREW A. JONES,

Plaintiff,

v.

CONAGRA GROCERY PRODUCTS
COMPANY, LLC,

Defendant.

ORDER

07-cv-638-bbc

Before the court is plaintiff's *pro se* motion to postpone the telephonic status and scheduling conference while he attempts to obtain a new attorney. *See* Dkt. 89.

Although the court granted plaintiff's first attorney's motion to withdraw in mid-July (*see* dkt. 84), the court did not grant plaintiff's motion to reopen this case until August 21, 2009 (*see* dkt. 88). Plaintiff promptly filed with the court a letter he had written a month ago asking for time to find an attorney. *See* Dkt. 89. It made sense for plaintiff to put on the back burner any efforts to obtain a new attorney until he learned whether the court was willing to allow him to pursue this lawsuit or instead would grant the defendant's request to enforce the settlement agreement. Therefore, I will give him about a month to find a new attorney.

When searching for a new attorney, plaintiff should make clear to any candidates that this case is not starting from scratch. This case purportedly settled after the April 30, 2009 final pretrial conference, but before the May 4, 2009 jury pick and trial. In other words, the stage was completely set for trial to begin. Plaintiff's falling out with his attorney had nothing to do with trial preparation, but rather with a misunderstanding about plaintiff's net from the

settlement which led to an awkward separation. This separation was not inevitable and it would not be fair to defendant to reopen discovery or allow additional motions practice. Plaintiff's new attorney, if he can find one, will have the responsibility for quickly preparing this case to be tried, period. If plaintiff cannot find an attorney in 30 days then we will reset the schedule and expect plaintiff to proceed *pro se*.

The telephonic status and scheduling conference is reset to October 1, 2009 at 9:30 a.m. If plaintiff retains a new attorney, that attorney is responsible for setting up the conference call to chambers. If plaintiff has not found an attorney, then he must provide defendant's attorney with a telephone number where he can be reached and defendant's attorney will arrange the conference call to chambers.

Entered this 26th day of August, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge